

**ENTERED**

December 31, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROBERT DANIEL SPIVEY,

Plaintiff,

VS.

D. FERNANDEZ, *et al*,

Defendants.

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CIVIL ACTION NO. 2:18-CV-438

**OPINION AND ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff Robert Daniel Spivey, proceeding *pro se* and *in forma pauperis*, has filed this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's Motion for Appointment of Counsel. (D.E.11).

In a separate order, the undersigned granted Plaintiff's application to proceed *in forma pauperis*. (D.E. 12). That order also provided that "[n]o motions for appointment of counsel shall be filed until the Court has completed its screening pursuant to 28 U.S.C. § 1915A, which may include a hearing under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985)." (D.E. 12, ¶ 9). This Court has yet to complete the § 1915A screening process in this case. Accordingly, Plaintiff's Motion for Appointment of Counsel (D.E. 11) is DENIED without prejudice to renew after the screening process has been completed.

ORDERED this 31st day of December, 2018.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE